

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SERGIO L. SHAW,**

**Plaintiff,**

**v.**

**Case No. 08-C-311**

**GREEN BAY CORRECTIONAL OFFICER FISHER,**

**Defendant.**

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**DECISION AND ORDER**

A review of this file discloses that defendant Fisher renewed his motion to dismiss on October 22, 2008. Court records indicate that a copy of the renewed motion to dismiss was mailed to plaintiff on October 22, 2008, and the supporting brief was previously mailed to plaintiff on September 19, 2008. Plaintiff's response was due within 30 days of the renewed motion, by November 21, 2008. See Civil Local Rule 56.2 and Order of October 21, 2008. However, I granted plaintiff's motion for an extension of time to respond, and permitted plaintiff to file his response on or before January 6, 2009.

Briefing schedules are set forth in Civil L.R. 7.1 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court.

Court records show that plaintiff did not file any response to defendant's motion, despite receiving a lengthy extension from the court. Plaintiff is hereby advised that if he fails to file a response to defendant's motion by March 30, 2009, I may dismiss this action with prejudice for lack of prosecution, pursuant to Civil Local Rule 41.3 (E.D. Wis.) (copy enclosed) and Federal Rule of Civil Procedure 41(b).

**IT IS THEREFORE ORDERED** that this case may be dismissed with prejudice for failure to prosecute, unless prior to **March 30, 2009**, plaintiff responds to defendant's motion to dismiss.

Dated at Milwaukee, Wisconsin, this 9 day of March, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge

**Civil L.R. 41.3 Dismissal for Lack of Diligence**

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.